

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Vina San Pedro S.A.,

Opposer,

v.

Golden State Vintners,

Applicant.

Opposition No.: 91/159,580

**MOTION OF GOLDEN STATE VINTNERS' COUNSEL TO WITHDRAW**

Commissioner for Trademark  
Trademark Trial and Appeal Board  
PO Box 1451  
600 Dulany Street  
Alexandria, VA 22313

Kirkpatrick, Lockhart Nicholson Graham and attorneys Kathryn M. Wheble, Deborah Bailey-Wells and Kevin Trock (collectively "KLNG"), counsel for Golden State Vintners ("GSV"), request consent of the Board to withdraw as counsel of record for GSV. Golden State Vintners seeks such consent because it has assigned the mark at issue, HELENA RANCH (the "Mark"), and no longer has an interest in this proceeding. KLNG does not represent the current owner of the Mark.

The motion should be granted because KLNG has taken reasonable steps to avoid foreseeable prejudice to the marks' current owner, Marc Lohnes. Mr. Lohnes has sufficient time to engage new counsel, and Mr. Lohnes has received all necessary papers. *See* TMBP §513.03; 37 C.F. R. §§2.19(b), 10.40.

Applicant has given due notice to Lohnes. On or about March 2, 2005, Ms. Wheble advised Mr. Lohnes that because he now owned the Mark, she was transferring all files to him, and that KLNG would withdraw as counsel in the matter.

The current proceeding has been suspended until August 1, 2005. This gives Mr. Lohnes several months to engage an attorney to represent him.

On March 7, 2005, Ms. Wheble sent Mr. Lohnes all files and materials relating to the Mark and the current proceeding. Attached as Exhibit A and as Exhibit B to Ms. Wheble's declaration are copies of the letters sent by her office to Mr. Lohnes.

Counsel has satisfied the requirements for C.F. R. §§2.19(b) and 1040. Applicant has been advised of the withdrawal with sufficient time to obtain new counsel and he has received all necessary papers. Accordingly, KLNG requests permission to withdraw.

Respectfully submitted,

GOLDEN STATE VINTNERS

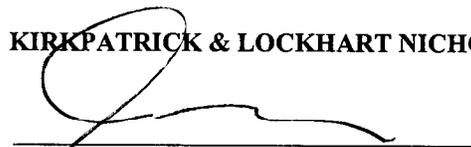


Kathryn M. Wheble  
Kirkpatrick & Lockhart Nicholson Graham  
Four Embarcadero Center, 10<sup>th</sup> Floor  
San Francisco, CA 94111  
415.249.1000

---

I hereby certify that this document is being deposited with the United States Postal Service as "First Class Mail" service under 37 CFR §2.198, and is addressed to: Commissioner for Trademark, Trademark Trial and Appeal Board, PO Box 1451, 600 Dulany Street, Alexandria, VA 22313, on the date shown below.

**KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP**

By:   
Name: Lisa M. Engelken  
Date: March 21, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion of Golden State Vintner's Counsel to Withdraw was served via first class mail on this 21st day of March, 2005, upon the following persons:

Cynthia Clarke Weber, Esq.  
Sughrue Mion, PLLC  
2100 Pennsylvania Avenue  
Washington, DC 20037

Marc Lohnes  
1444 Baffin Bay  
Plano, TX 75075

**KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP**



---

**Lisa M. Engelken**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Vina San Pedro S.A.,

Opposer,

v.

Golden State Vintners,

Applicant.

Opposition No.: 91/159,580

**DECLARATION OF KATHRYN M. WHEBLE IN SUPPORT OF MOTION TO  
WITHDRAW AS GOLDEN STATE VINTNERS' COUNSEL**

Commissioner for Trademark  
Trademark Trial and Appeal Board  
PO Box 1451  
600 Dulany Street  
Alexandria, VA 22313

I, Kathryn M. Wheble, declare as follows:

1. I am a member of the law firm Kirkpatrick & Lockhart Nicholson Graham LLP ("KLNG"). I make these statements based on my personal knowledge.
2. On or about March 2, 2005, I spoke to Marc Lohnes. In this conversation I advised him that KLNG and I would be withdrawing as counsel of record in this proceeding. I also advised him that I would be sending him files relevant to the HELENA RANCH trademark and to this proceeding.
3. On or about March 3, 2005, I sent Mr. Lohnes a letter to this effect. This letter is attached as Exhibit A.
4. On or about March 7, 2005, my assistant Lisa Engelken forwarded the relevant trademark files to Mr. Lohnes. Her letter is attached as Exhibit B.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at San Francisco, California this 21<sup>st</sup> day of March, 2005.



Kathryn M. Wheble





Kirkpatrick & Lockhart Nicholson Graham LLP

Four Embarcadero Center  
10th Floor  
San Francisco, CA 94111  
415.249.1000  
Fax 415.249.1001  
www.klmg.com

Kathryn M. Wheble

415.249.1045  
Fax: 415.249.1001  
kwheble@klmg.com

March 3, 2005

**Via Federal Express**

Marc Lohnes  
1444 Baffin Bay  
Plano, TX 75075

Re: Golden State Vintners: Transfer of Trademark Files for HELENA RIDGE  
and HELENA RANCH

Dear Marc:

Enclosed you will find the file for the prosecution of the trademark HELENA RANCH and the file concerning opposition to registration of that mark by Vina San Pedro. Please note that the Patent and Trademark Office has suspended the proceeding until August 1, 2005. You should obtain a lawyer to represent you in this matter at your earliest opportunity and contact Vina San Pedro's lawyers to let them know of your ownership. Our firm has removed this matter from its docket and will move to withdraw as counsel of record.

There is no file regarding HELENA RIDGE because GSV never filed an application to register it. It is a common-law trademark.

Please contact me if you have any questions.

Sincerely,

Kathryn M. Wheble

KMW: lme  
Enclosures

cc: Kevin Sterling

**EXHIBIT A**





Kirkpatrick & Lockhart Nicholson Graham LLP

Four Embarcadero Center  
10th Floor  
San Francisco, CA 94111  
415.249.1000  
Fax 415.249.1001  
www.king.com

Kathryn M. Wheble

415.249.1045  
Fax: 415.249.1001  
kwheble@king.com

March 7, 2005

**Via Federal Express:**

Marc Lohnes  
1444 Baffin Bay  
Plano, TX 75075

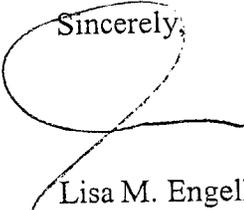
Re: Golden State Vintners: Transfer of Trademark Files for HELENA RIDGE  
and HELENA RANCH

Dear Marc:

Enclosed please find the file for the prosecution of the trademark HELENA RANCH and the file concerning opposition to registration of that mark by Vina San Pedro that were not included with our letter to you dated March 3, 2005. A copy of that letter is also included for your reference.

Please contact me if you have any questions.

Sincerely,



Lisa M. Engelken  
Assistant to Kathryn M. Wheble, Esq.

/LME  
Enclosures

**EXHIBIT B**

## Certificate of Mailing

---

I hereby certify that this document is being deposited with the United States Postal Service as "First Class Mail" service under 37 CFR §2.198, and is addressed to: Commissioner for Trademark, Trademark Trial and Appeal Board, PO Box 1451, 600 Dulany Street, Alexandria, VA 22313, on the date shown below.

**KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP**

By: \_\_\_\_\_

Name: Lisa M. Engelken

Date: March 21, 2005

---

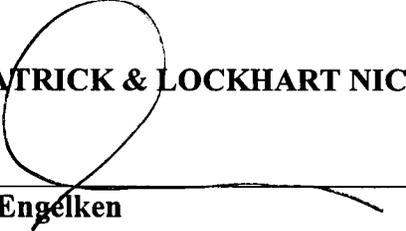
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Declaration of Kathryn M. Wheble in Support of Motion to Withdraw as Golden State Vintners' Counsel was served via first class mail on this 21st day of March, 2005, upon the following persons:

Cynthia Clarke Weber, Esq.  
Sughrue Mion, PLLC  
2100 Pennsylvania Avenue  
Washington, DC 20037

Marc Lohnes  
1444 Baffin Bay  
Plano, TX 75075

**KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP**

  
\_\_\_\_\_  
**Lisa M. Engelken**



Kirkpatrick & Lockhart Nicholson Graham LLP

F  
1  
S  
415.249.1000  
Fax 415.249.1001  
www.king.com

Kathryn M. Wheble

415.249.1045  
Fax: 415.249.1001  
kwheble@king.com

March 21, 2005

**First Class Mail**

United States Patent and Trademark Office  
Commissioner for Trademark  
Trademark Trial and Appeal Board  
P.O. Box 1451  
600 Dulany Street  
Alexandria, VA 22313

**Re: Vina San Pedro S.A. v. Golden State Vintners  
Opposition No. 91/159,580**

Dear Sir or Madam:

Enclosed please find an original and copy of the following documents:

1. Motion of Golden State Vintners' Counsel to Withdraw; and
2. Declaration of Kathryn M. Wheble in Support of Motion to Withdraw as Golden State Vintners' Counsel.

Also enclosed is a self-addressed stamped envelope, in which we request that you please return a file-endorsed copy of both documents to us.

Thank you for your time and attention to these matters.

Sincerely,

Lisa M. Engelken  
Assistant to Kathryn M. Wheble, Esq.

:lme  
Enclosures



03-24-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #66